

REMARKS

In response to the Office Action dated October 25, 2004, claims 1, 3, 8, 11, 18 and 20 have been amended. Claims 1-24 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

Claim 1 was rejected under 35 U.S.C. § 101 as being not directed to non-statutory subject matter.

The Applicants respectfully traverses this rejection. However, in an effort to expedite the prosecution of this case, the Applicants have amended claim 1 as suggested by the Examiner to overcome this rejection.

The Office Action rejected claims 1, 4, 8, 11, 12, 15, 18 and 20-21 under 35 U.S.C. 102(a) as allegedly being anticipated by Heald, "AUTOEXEC.BAT FILES". The Office Action rejected claims 1-2, 6-10, 14, 18-19 and 23-24 under 35 U.S.C. 102(a) as allegedly being anticipated by Nutt, Operating Systems: A Modern Perspective. The Office Action rejected claims 3, 11 and 20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Heald as applied to claims 1, 4, 8, 11, 12, 15, 18 and 20-21 and further in view of Santerre et al. (U.S. Patent No. 6,430,706). The Office Action rejected claims 5, 13 and 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over Nutt as applied to claims 1, 2, 6-10, 14, 16-19 and 23-24.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

With regard to the rejections under U.S.C. 35 U.S.C. 102(a), the Applicants respectfully submit that the Heald or the Nutt references do not disclose, teach, or suggest all of the claimed features. Namely, the Applicants' invention includes defining a predetermined contingency related to the launch of one of the application programs when another of the application programs accesses certain data after it is launched and reaches a predefined point in the launch process.

In contrast, Heald merely discloses automatically launching application programs while Nutt simply discloses using a list or scheduler to launch application programs. However, neither of these references disclose the Applicants' a predetermined

contingency related to the launch of one of the application programs when another of the application programs accesses certain data after it is launched and reaches a predefined point in the launch process. Therefore, since the claimed elements of the Applicants' claimed invention are not disclosed by Hearld or Nutt, neither reference can anticipate the claims, and hence, the Applicants submit that the rejections 35 U.S.C. 102(a) under should be withdrawn.

With regard to the rejection under 35 U.S.C. 103(a) of the rest of the claims, as argued above and in light of the amendments to the claims, the Applicants submit that the Hearld, Nutt and the Santerre et al. references, in combination or alone, do not disclose, teach, or suggest the Applicants' defining a predetermined contingency related to the launch of one of the application programs when another of the application programs accesses certain data after it is launched and reaches a predefined point in the launch process.

Specifically, although Santerre et al. disclose monitoring operations during execution of the operating system, Santerre et al. is clearly concerned only with errors, interrupted failures and tracking and managing failure-susceptible operations in a computer system (see Abstract of Santerre et al.) and not the Applicants' predetermined contingencies based on another application program's access of certain data after it is launched and reaches a predefined point in the launch process. This **failure** of the cited references, in combination or alone, to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (MPEP 2143).

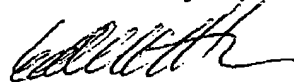
With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at (818)

885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
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Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicants
(818) 885-1575 TEL
(818) 885-5750 FAX